WPMB No. 214 of 2003

Hon. Irshad Hussain, J.
Hon. M.M. Ghildiyal, J.

Heard Sri R.P. Nautiyal, learned counsel for the petitioner and the learned A.G.A.

The petition has been filed for quashing the orders of the learned C.J.M. as well as the learned Sessions Judge, whereby the process issued under section 82 of the Code of Criminal Procedure was not cancelled in view of the fact that during the investigation the petitioners named as accused in the case were absconding. The case has been registered against the petitioners and they are bound to surrender themselves and then seek bail from the competent Court of the Magistrate. In this petition there is no prayer for quashing of the F.I.R. and considering the procedure adopted to procure the attendance of the petitioners, it cannot be said that the same is illegal or against the provision of law. Considering this, there is no merit in this petition and the same is hereby dismissed.

(Irshad Hussain, J.) (M.M. Ghildiyal, J.)

25.03.03./B.